

# BEFORE THE BOARD OF SUPERVISORS

*of the*

## SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

### **RESOLUTION TO CONTINUE EMERGENCY CONTRACTING FOR LEAK IDENTIFICATION AND REPAIR OF THE NACIMIENTO WATER PIPELINE UNIT A1**

The following Resolution is now offered and read:

**WHEREAS**, the County of San Luis Obispo is experiencing historic drought conditions; and

**WHEREAS**, the County Board of Supervisors adopted a resolution proclaiming a local emergency due to drought conditions on March 11, 2014; and

**WHEREAS**, the Board has continued the proclamation of local emergency; and

**WHEREAS**, the Nacimiento water pipeline had to be shutdown due to a significant leak in a section of the Unit A1 pipeline located on a remote section of Camp Roberts; and

**WHEREAS**, the Nacimiento water pipeline is a regional pipeline that provides Nacimiento Reservoir water to numerous participating agencies within the County; and

**WHEREAS**, the timely repair of the Nacimiento water pipeline and restoration of water deliveries to the participating agencies for distribution to their customers is extremely urgent; and

**WHEREAS**, California Public Contract Code Section 1102 defines "emergency," as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

**WHEREAS**, pursuant to the provisions of California Public Contract Code Section 22050, the Board may waive the competitive bidding process and authorize County officials to execute construction contracts for emergency work by a four-fifths vote; and

**WHEREAS**, on July 8, 2014, the Board adopted a resolution that the leak in the Unit A1 pipeline constituted an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

**WHEREAS**, on July 22, 2014, the Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

**WHEREAS**, on August 12, 2014, the Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

**WHEREAS**, on August 26, 2014, the Board adopted a resolution that the leak in the Unit A1 pipeline continued to constitute an emergency that would not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency; and

**WHEREAS**, the emergency contracting procedures under Section 22050 require continued review of these emergency actions at the next regularly scheduled meeting, or within 14 days, whichever is later, in accordance with Public Contract Code Section 22050 to assure that the actions are necessary.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, as follows:

1. That California Public Contract Code Section 22050 authorizes the Board, by a four-fifths vote to take any directly related and immediate action required by an emergency to repair or replace any public facility, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
2. That the leak in a section of the Unit A1 pipeline located on a remote section of Camp Roberts constitutes an emergency that will not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency.
3. That California Public Contract Code Section 22050 allows, by a four-fifths vote, delegation to an appropriate County official the authority to order any action to procure the necessary equipment, services, and supplies for these emergency purposes, without giving notice for bids to let contracts.

4. Until said action is terminated, the delegated County official shall report to the Board of Supervisors at the next regularly scheduled meeting, or within 14 days, whichever is later, to review the emergency status justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency in accordance with Public Contract Code Section 22050.
5. That the Director of Public Works is hereby delegated and authorized to:
  - a) Negotiate a contract with qualified contractor(s) to perform work to identify the leak and provide for emergency repair of the pipeline through a sole source process.
  - b) Execute contracts for the work in a collective amount not to exceed \$425,000.
  - c) Return to the Board to report status of emergency actions and need to continue these efforts at the next regularly scheduled meeting, or within 14 days, whichever is later, in accordance with Public Contract Code Section 22050.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

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Chairperson of the Board of Supervisors

ATTEST:

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Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

**RITA L. NEAL**  
County Counsel

By:   
Deputy County Counsel

Dated: August 27, 2014

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STATE OF CALIFORNIA,        }  
County of San Luis Obispo,       ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Board  
(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk